IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1744 OF 2006

Nanhe Somnath Singh. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri Prakash Naik for Applicant.
Shri Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MAY 3, 2006

P.C. :-

. The applicant was arrested in connection with an offence punishable under Sections 395, 397, 342 etc. of the IPC.

2. It is alleged that about 20-25 people entered the factory premises of the complainant and took away the property worth Rs.9 lakhs. The applicant was arrested and during the course of investigation, the said property was recovered at his instance.

3. Learned Counsel for the applicant submits that chargesheet has now been filed and at the highest, it could be said that the applicant was receiver of the stolen property since there is no other material to indicate that the applicant had participated in the commission of the said offence.

4. In my view, since the chargesheet has been filed, recovery from the applicant may not establish the participation of the applicant in the said offence as it is possible that the applicant may be a receiver of the stolen property. The applicant has a fixed place of residence.

5. The applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. The applicant shall report to the concerned police station once in a month.

6. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

7. The trial Court shall not be influenced by any observations made by this Court while deciding the application and the same shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

(V.M. Kanade, J.)